



REPUBLIC OF THE PHILIPPINES



COMMISSION ON ELECTIONS

MANILA

PRIMER
ON THE
PLEBISCITE
OF THE PROPOSED
CONSTITUTIONAL
AMENDMENTS

TO BE HELD ON
APRIL 7, 1981

We are holding a plebiscite to ratify or reject proposed amendments to the Constitution, adopted by the Interim Batasang Pambansa, sitting as a Constituent Assembly. Under the Constitution, any amendment to, or revision of, the Constitution shall be valid when ratified by a majority of the votes cast in a plebiscite which shall be held not later than three months after the approval of such amendment or revision.

Batas Pambansa Bilang 122, fixed April 7, 1981, as the date of the plebiscite when the proposed amendments shall be submitted to the electorate for their consideration.

Q. What are the proposed amendments to the Constitution?

A. The proposed amendments to the Philippine Constitution adopted by the Batasang Pambansa sitting as a Constituent Assembly, divided into three categories, are the following:

- 1. Amendments to Articles VII, VIII and IX thru Resolution No. 2 with a final vote of 147 Yeas, 5 Nays and 1 abstention;*
- 2. Amendments to certain Sections of Article XII thru Resolution No. 3 with a final vote of 148 Yeas, 2 Nays and 1 abstention;*
- 3. Amendment by inserting a new section between Sections 14 and 15 of Article XIV permitting a natural born citizen of the Philippines who has lost his Philippine citizenship to be a transferee of private land for his residence as the National Assembly may provide, thru Resolution No. 1 with a final vote of 122 Yeas and 5 Nays.*

Q. When will the plebiscite be held?

A. The plebiscite will be held on April 7, 1981.

Q. How many questions will be submitted to the voters?

A. There will be three plebiscite questions.

Q. How will these questions be answered?

A. The voter may answer in any of the following manner:

- 1. To vote for the approval of each of the questions covering the amendments proposed, write the word "Yes" or its equivalent in the blank space provided for the purpose.*
- 2. To vote for the rejection thereof, write the word "No" or its equivalent.*

Q. What is Question No. 1?

A. As presented under Batas Pambansa Blg. 122, the following is question No. 1:

Do you vote for the approval of an amendment to the Constitution and to Amendment No. 2, as proposed by the Batasang Pambansa in Resolution No. 2, which, in substance, calls for the establishment of a modified parliamentary system, amending for this purpose Articles VII, VIII and IX of the Constitution, with the following principal features:

- (1) The President is the head of state and Chief Executive of the Republic of the Philippines, elected by direct vote of the people for a term of six years. He has control of the Ministries. He formulates the guidelines of national policy. He nomi-*

nates the Prime Minister and the Deputy Prime Minister to be elected by the Batasang Pambansa. Upon the advice of the Prime Minister in writing, whenever the need arises for a vote of confidence on a fundamental issue, the President may dissolve the Batasang Pambansa and call for an election on a date set by him. However, the Batasang Pambansa may not be dissolved: 1) within eighteen (18) months preceding a regular election of the Batasang Pambansa; 2) within eighteen (18) months immediately following such elections; 3) during the pendency of impeachment proceedings against the President; or 4) when the Executive Committee or the Speaker, in appropriate cases, exercises the powers or discharges the duties of the President. The President shall be immune from suit during his tenure. Thereafter, no suit whatsoever shall lie for official acts done by him or by others pursuant to his specific orders during his tenure. This immunity shall apply to the incumbent President referred to in Article XVII of this Constitution.

- (2) The legislative power is vested in the Batasang Pambansa to be composed of not more than 200 members unless otherwise provided by law, including regional and sectoral representatives, and members of the Cabinet chosen by the President. The regional and sectoral representatives shall have a term of six years. The regular election for the members of the Batasang Pambansa shall be held on the second Monday of May, 1984, and every six years thereafter. The Batasang Pambansa elects the Prime Minister upon nomination by the President. It may withdraw its confidence from

the Prime Minister, in which case, the President may within ten days from advice of the adoption of the motion of non-confidence, submit to the Batasang Pambansa a nominee for Prime Minister. It calls for the election of President in case of permanent disability, death, removal from office or resignation of the President. In addition to the existing disqualifications, its Members may not appear as counsel in any criminal case wherein a government officer or employee is accused of an offense committed in relation to his office.

- (3) The Executive Committee is composed of not more than 14 members designated by the President, at least half of whom shall be members of the Batasang Pambansa. It is headed by the Prime Minister. The Executive Committee assists the President in the exercise of his powers and functions and in the performance of his duties as he may prescribe. The Executive Committee shall exercise the powers and discharge the duties of the President until a President is elected and qualified in the following cases: (a) if the President-elect dies; or (b) fails to qualify before the beginning of his term; or (c) if the President has not been chosen before the start of his term. In case of permanent disability, death, removal from office or resignation of the President, the Executive Committee headed by the Prime Minister as hereinafter provided shall exercise the powers of the President until a President shall have been elected and qualified. If the permanent disability, death, removal from office or resignation of the President occurs earlier than eighteen (18) months before the expiration of his

term, the Batasang Pambansa shall, within thirty days from the time the vacancy occurs, call a special election to be held not earlier than forty-five days nor later than sixty days from the time of such call, to elect a President to serve the unexpired term. In the absence of the Executive Committee, the Speaker of the Batasang Pambansa shall act as President until a President shall have been elected and qualified.

- (4) The Cabinet, headed by the Prime Minister, shall be composed of Ministers with or without portfolio appointed by the President. At least a majority of the Cabinet who are heads of ministries shall come from the Regional Representatives of the Batasang Pambansa.
- (5) The Prime Minister is the head of the Cabinet and of the Executive Committee. He is elected by the Batasang Pambansa upon nomination by the President from among the members. The Prime Minister and the Cabinet shall be responsible to the Batasang Pambansa for the program of government approved by the President.

The Deputy Prime Minister, elected by the Batasang Pambansa, upon nomination by the President from among the Members thereof, performs functions assigned to him by the Prime Minister.

Q. What is Question No. 2?

A. As presented under Batas Pambansa Blg. 122, the following is question No. 2:

Do you vote for the approval of an amendment to the Constitution of the Philippines, as proposed by the Batasang Pambansa in Resolution No. 3, which, in substance, institutes electoral reforms, namely:

- (1) Except as member of the Executive Committee no elective official shall be eligible for appointment to

any office or position during his tenure, unless otherwise provided by law, amending for this purpose paragraph (1), Sec. 4, Art. XII-B;

- (2) Accreditation of political parties whose candidates for President obtained the first and second highest number of votes in the last preceding presidential election under this Constitution if each has obtained at least ten percent (10%) of the total number of votes cast, amending for this purpose Sec. 8, Art. XII-C;
- (3) Grant to accredited political parties the right to be represented in the registration board, board of election inspectors, board of canvassers, or similar bodies; as well as grant to accredited political parties of other rights or privileges as may be provided by law; amending for this purpose paragraph (2), Section 9, Article XII-C;
- (4) Change of political party affiliation by an elective public officer during his term of office, or by a candidate for an elective office within six months immediately preceding or following an election shall be prohibited, unless otherwise provided by law, amending for this purpose Sec. 10, Art. XII-C.

Q. What is Question No. 3?

A. As presented under Batas Pambansa Blg. 122, the following is question No. 3:

Do you vote for the approval of an amendment to the Constitution of the Philippines, as proposed by the Batasang Pambansa in Resolution No. 1, which, in substance, provides that a natural-born citizen of the Philippines who has lost his Philippine citizenship may be a transferee of private land, for use by him as his residence, as the Batasang Pambansa shall provide, amending

for this purpose Section 14 of Article XIV of the Constitution?

**Proposed Amendments on the Presidency
(Article VII, The President)**

Q. What are the salient features of the proposed amendments to Article VII of the Constitution?

A. The following are the salient features of the proposed amendments:

1. The President shall be the Head of State and Chief Executive of the Republic with concomittant powers.
2. He shall be elected by a direct vote of the people for a term of six years to begin on June 30 following election day.
3. An Executive Committee shall be created. This committee shall be headed by the Prime Minister. It shall exercise the powers and discharge the duties of the President upon the occurrence of the following situations:

(a) A President has not been chosen on the date fixed for the beginning of his term, (b) The President-elect dies before the beginning of his term, (c) The President-elect fails to qualify, (d) The President dies during his term, (e) The President is removed from office, (f) The President resigns from office, (g) The President suffers a permanent disability.

The Executive Committee will continue to function as such until a President has been elected in a special election, and has qualified.

Q. What is the Executive Committee?

A. See discussion on proposed amendments to Article IX.

Q. Enumerate briefly the new elements to be introduced into Article VII (The President) through these amendments:

A. 1. The President shall be elected by direct vote of the people for a term of six years.

2. His term of office shall begin at noon on June 30 following election day. It shall end on the same day six years thereafter.
3. The returns of every election for President shall be transmitted to the Speaker at the Batasang Pambansa where the votes for President shall be counted. In case two or more candidates for President obtain an equal and highest number of votes one of them shall be chosen immediately by a majority vote of all the members of the Batasang Pambansa.
4. The Executive Committee proposed to be created shall discharge the function of the President upon the occurrence of a permanent vacancy in the office of the President. In the absence of the Executive Committee the Speaker of the Batasang Pambansa shall act as President until a President has been elected and has qualified.
5. A special election shall be called by the Batasang Pambansa within 30 days from the occurrence of a permanent vacancy in the office of the President when such vacancy occurs earlier than 18 months before the expiration of his term. Such election shall be held not earlier than 45 days nor later than 60 days from the time of such call.
6. The President shall have control of the ministries.
7. The President shall be commander-in-chief of all the Armed Forces of the Philippines.
8. The President shall appoint officials of the government.
9. The President may grant amnesty with the concurrence of the Batasang Pambansa.

10. The President may contract foreign and domestic loans for the Republic.
11. The President shall formulate the guidelines of national policy.
12. The President shall address the Batasang Pambansa at the opening of its regular session and may appear before it at any other time.
13. No suit shall lie for official acts done by the President or by others pursuant to his order. The immunity shall apply to the incumbent President referred to in the Transitory Provisions of the Constitution.
14. All powers vested in the President under the 1935 Constitution and under other laws of the land which are not vested upon any official, shall be vested in the President.

Q. What are the features of Article VII which will be retained under the proposed amendment?

- A. 1. The qualifications of the President.
2. The President's official residence and compensation.
3. The prohibitions and disqualifications of the President.
4. The President's immunity from suit during his tenure.

Q. What features will be deleted from Articles VII of the Constitution (The President) with the introduction of this proposed amendment?

- A. 1. The President shall be the symbolic head of state.
2. The President shall be elected from among the members of the National Assembly.
3. The term of office of the President shall begin on the date he takes his oath of office which shall not be

later than 3 days after his proclamation by the National Assembly nor in any case earlier than the expiration of the term of his predecessor.

4. The ceremonial powers of the President under Sec. 6, paragraphs (1) – (7), Article VII, except the duty to address the legislative body at the opening of its regular session.

Q. Compare briefly the existing provisions of the Constitution and the proposed amendments to Article VII of the Constitution (The President).

- A. 1. On the manner of election

The existing provision of the Constitution provides that the President shall be elected from among the Members of the National Assembly by a majority vote of all its members.

The proposed amendments provide for a direct vote by the people.

2. On the term of office

The present provisions of the Constitution provide a term of six years from the date of oath-taking which shall not be later than three days after his proclamation by the National Assembly.

The proposal is also for a term of six years, but the same shall begin at noon on June 30 following election day and shall end at noon on the same day six years thereafter.

3. On temporary succession in case of a permanent vacancy in the office of President

The Constitution provides that the Speaker shall act as President until a successor has been elected and has qualified.

The proposed amendments create an Executive Committee to be headed by the Prime Minister to perform the duties of President until a new one has been elected and has qualified.

Proposed Amendments on the
Legislative Body
(Article VIII, The National Assembly)

The name of the legislative body is proposed to be changed from National Assembly to Batasang Pambansa.

Q. What is the composition of the Batasang Pambansa under the proposed amendments?

A. The Batasang Pambansa shall be composed of not more than 200 members which shall include: (1) representatives elected from the different regions of the Philippines; (2) those elected or selected from various sectors as may be provided by law; and (3) those chosen by the President from the members of the Cabinet (Sec. 2, Art. VIII, Res. No. 2).

Q. What is the term of office of the members of the Batasang Pambansa?

A. The members of the Batasang Pambansa shall have a term of six (6) years which shall begin, unless otherwise provided by law, at noon on the 30th day of June following their election. (Sec. 3, Art. VIII, Res. No. 2)

The first regular election for members of the Batasang Pambansa will be on the 2nd Monday of May, 1984. Thereafter, their election shall be held every six years. (Sec. 5, Par. (1), Art. VIII, Res. No. 2)

Q. What are the qualifications of a regional representative of the Batasang Pambansa?

He must be (1) a natural-born citizen of the Philippines, (2) at least 25 years of age on election day, (3) able to read and write, (4) a registered voter in the region in which he shall be elected, (5) a resident of the region for a period of not less than one year immediately preceding the election. (Sec. 4, Art. VIII, Res. No. 2)

Q. What are the qualifications of a sectoral

representative of the Batasang Pambansa?

A. He must be (1) a natural-born citizen, (2) able to read and write, (3) have such other qualifications as may be provided by law. (Sec. 4, Art. VIII, Res. No. 2)

Q. How is the Speaker of the Batasang Pambansa chosen?

A. The Speaker shall be elected by a majority vote of all the members of the Batasang Pambansa from among the members thereof, (Sec. 7, Par. (1), Art. VIII, Res. No. 2)

Q. How is the Prime Minister chosen?

A. The Prime Minister shall be elected by a majority of all the Members of the Batasang Pambansa upon nomination of the President from among the members thereof. (Sec. 1, Art. IX, Res. No. 2)

Q. If the Batasang Pambansa loses its confidence on the Prime Minister, what is the procedure for the withdrawal of such confidence?

A. The Batasang Pambansa may withdraw its confidence from the Prime Minister by a majority vote of all its members on a motion for a vote of no confidence signed by at least one-fifth of the members of the Batasang Pambansa. (Sec. 13, Par. (1), Art. VIII, Res. No. 2; see also discussion on proposed amendments to Art. IX)

Q. When and for how long shall the Batasang Pambansa convene for its regular session?

A. The Batasang Pambansa shall convene once every year on the fourth Monday of July for its regular session, unless a different date is fixed by law, and shall continue to be in session for such number of days as it may determine. (Sec. 6, Art. VIII, Res. No. 2)

Q. Are the sessions of the Batasang Pambansa limited to regular sessions?

A. No. The President may also call the Batasang Pambansa to session at any time to consider such subjects or legislations as he may designate. (Sec. 6, Art. VIII, Res. No. 2)

Q. *May the Batasang Pambansa be dissolved? If so, under what circumstances?*

A. Yes. The President may dissolve the Batasang Pambansa upon the written advice of the Prime Minister whenever the need arises for a popular vote of confidence on fundamental issues. (Sec. 13, Par. (2), Art. VIII, Res. No. 2)

Q. *In case the Batasang Pambansa is dissolved and a special election is held to elect new members to the Batasang Pambansa, for how long shall the newly elected members hold office?*

A. They shall serve the unexpired portion of the term from the time the President convokes the assembly, which shall not be later than 30 days following their election. (Sec. 3, Par. (2), Art. VIII, Res. No. 2)

Q. *How often may the Batasang Pambansa be dissolved?*

A. The Batasang Pambansa shall not be dissolved more than once every twelve months. (Sec. 13, Par. (2), see also discussion in the next topic.)

Q. Compare briefly the present provisions of Article VIII of the Constitution with the proposed amendments.

A. 1. As to composition

1973 Constitution — The National Assembly shall be composed of as many members as may be provided by law to be apportioned among the provinces, representative districts and cities in accordance with the number of their respective inhabitants and on the basis of a uniform and progressive ratio. (Sec. 2, Art. VIII)

Proposed Amendment — The Batasang Pambansa shall be composed of not more than 200 members unless otherwise provided by law, and shall include representatives elected from the different regions of the Philippines, those elected or selected from various sectors as may be provided by law and those chosen by the President from the members of the Cabinet. (Sec. 2, Art. VIII, Res. No. 2)

2. As to manner of selection

1973 Constitution — The members of the National Assembly shall be elected by qualified electors in their respective districts. (Sec. 3, Par. (1), Art. VIII)

Proposed Amendment —

- (a) The regional representatives shall be elected from the regions,
- (b) Sectoral representatives shall be elected or selected from various sectors as may be provided by law,
- (c) Members of the Cabinet shall be chosen by the President. (Sec. 2, 1st Par. (1), Art. VIII, Res. No. 2)

3. As to qualifications

1973 Constitution — Members of the National Assembly shall be:

- (a) A natural-born citizen of the Philippines,
- (b) At least 25 years of age on election day,
- (c) Able to read and write,
- (d) A registered voter in the district in which he shall be elected,
- (e) A resident in the district for a period of not less than one year immediately preceding the election (Sec. 4, Art. VIII)

Proposed Amendment — Regional Representatives:

- (a) Same as (a) to (c) above.
- (b) A registered voter in the region in which he shall be elected.
- (c) A resident of the region for a

period of not less than one year immediately preceding the election. (Sec. 4, 1st paragraph, Art. VIII, Res. No. 2)

Sectoral Representatives:

(a) Natural-born citizen of the Philippines, (b) Able to read and write, (c) Such other qualifications as may be provided by law (Sec. 4, 2nd paragraph, Art. VIII, Res. No. 2)

4. As to frequency of election

1973 Constitution — Unless otherwise provided by law, the regular election of members of the National Assembly shall be held on the second Monday of May and every six years thereafter. (Sec. 5, Par. (1), Art. VIII)

Proposed Amendment — The regular election of the Members of the Batasang Pambansa shall be held on the second Monday of May, 1984 and every six years thereafter. (Sec. 5, Par. (1), Art. VIII, Res. No. 2)

5. As to the filling of a vacancy

1973 Constitution — In case a vacancy arises in the National Assembly one year or more before a regular election, the Commission on Elections shall call a special election to be held within sixty days after the vacancy occurs. (Sec. 5, Par. (2), Art. VIII)

Proposed Amendment — In case a vacancy arises in the Batasang Pambansa eighteen months or more before a regular election, the Commission on Elections shall call a special election to be held within sixty days after the vacancy occurs to elect the member to serve the unexpired

term. (Sec. 5, Par. (2), Art. VIII, Res. No. 2)

6. As to legislative procedure

a) *Who convokes the body to a special session?*

1973 Constitution —

The Prime Minister (Sec. 6, Art. VIII)

Proposed Amendment —

The President (Sec. 6, Art. VIII, Res. No. 2)

b) *Number of session days*

1973 Constitution —

The National Assembly shall convene once every year on the fourth Monday of July for its regular session, unless a different date is fixed by law, and shall continue to be in session until thirty days before the opening of its regular session, exclusive of Saturdays, Sundays and legal holidays. (Sec. 6, Art. VIII)

Proposed Amendment —

The Batasang Pambansa shall convene once every year on the fourth Monday of July for its regular session, unless a different date is fixed by law, and shall continue to be in session for such number of days as it may determine. (Sec. 6, Art. VIII, Res. No. 2)

c) *Bills calendared upon recommendation of the Cabinet*

1973 Constitution —

No bill, except those of local application, shall be calendared without prior recommendation of the Cabinet. (Sec. 19, Par. (3), Art. VIII)

Proposed Amendment —

Above provision is proposed to be deleted.

d) *Who signs or vetoes bills*
1973 Constitution –

Every bill passed by the National Assembly shall, before it becomes a law, be presented to the Prime Minister. (Sec. 20, Par. (1), Art. VIII)

Proposed Amendment –

Every bill passed by the Batasang Pambansa shall, before it becomes a law, be presented to the President. (Sec. 20, Par. (1), Art. VIII, Res. No. 2)

7. **No confidence vote**

1973 Constitution –

The National Assembly may withdraw its confidence from the Prime Minister only by electing a successor by a majority vote of all its members. (Sec. 13, Par. (1), Art. VIII)

Proposed Amendment –

The Batasang Pambansa may withdraw its confidence from the Prime Minister by a majority vote of all its Members on a motion for a vote of no confidence signed by at least one-fifth of the Members of the Batasang Pambansa. (Sec. 13, Par. (1), Art. VIII, Res. No. 2)

8. **Dissolution**

1973 Constitution –

Whenever the need arises for a popular vote of confidence on fundamental issues and upon advice of the Prime Minister, the President may dissolve the National Assembly not earlier than five days nor later than ten days from receipt of the advice. He shall call for an election on a date set by the Prime Minister which shall not be earlier than forty-five days nor later than sixty days from the date of such dissolution. However, no dissolution shall take place within nine months imme-

diately following any general election. (Sec. 13, Par. (2), Art. VIII)

Proposed Amendment –

Under the same conditions as above, the President may dissolve the Batasang Pambansa but not earlier than seven days nor later than fourteen days from receipt of the advice and shall set the date of the election. However, no dissolution shall take place within eighteen months immediately following such election or during the pendency of impeachment proceedings against the President or when the powers of the President are exercised by the Executive Committee or the Speaker. The Batasang Pambansa shall not be dissolved more than once every twelve months. (Sec. 13, Par. (2), Art. VIII, Res. No. 2)

9. **Disqualifications and Prohibitions**

1973 Constitution –

(a) A member of the National Assembly shall not hold any other office or employment in the government, or any subdivision, agency, or instrumentality thereof, including government-owned or-controlled corporations during his tenure except that of Prime Minister or Member of the Cabinet. (Sec. 10, Art. VIII)

(b) He shall not appear as counsel before any court inferior to a court with appellate jurisdiction, before any court in any civil case wherein the government, or any subdivision, agency, or instrumentality thereof is the adverse party, or before any administrative body. (Sec. 11, Art. VIII)

Proposed Amendment

(a) A member of the Batasang

Pambansa is likewise prohibited from holding the same office or employment as those abovementioned. However, the exceptions are extended to the positions of Deputy Prime Minister, Member of the Executive Committee and Deputy Minister. (Sec. 10, Art. VIII, Res. No. 2)

- (b) In addition to the above prohibitions, a member of the Batasang Pambansa shall not appear in any criminal case wherein any officer or employee of the government is accused of an offense committed in relation to his office. (Sec. 11, Art. VIII, Res. No. 2)

**Proposed Amendments on
The Prime Minister and the Cabinet
(Article IX)**

Q. Compare briefly the existing provisions on the Cabinet in Article IX of the 1973 Constitution with the proposed amendments.

A. 1. As to composition

1973 Constitution — The Cabinet is composed of the heads of ministries at least a majority of whom shall be chosen from among the Members of the National Assembly. (Section 1, Art. IX)

As proposed — The Cabinet shall be composed of Ministers with or without portfolio. At least a majority of the Members of the Cabinet who are heads of ministries shall be chosen from among the Regional Representatives of the Batasang Pambansa. (Sec. 1, Art. IX, Res. No. 2)

2. As to appointing authority

1973 Constitution — The Members of the Cabinet are appointed by the Prime Minister. (Sec. 4, Art. IX)

As proposed — The Members of the Cabinet shall be appointed by the President. (Section 1, Art. IX, Resolution No. 2)

3. As to functions and responsibilities

1973 Constitution — The Prime Minister and the Cabinet are responsible to the National Assembly for the program of government and shall determine the guidelines of national policy. (Sec. 2, Art. IX)

As proposed — The Prime Minister and the Cabinet are responsible to the Batasang Pambansa for the program of government as approved by the President. (Sec. 2, Art. IX, Res. No. 2)

4. As to the effects of resignation

1973 Constitution — Any Member of the Cabinet may resign for any cause without vacating his seat in the National Assembly. (Sec. 9, Art. IX)

As proposed — Any Member of the Cabinet may resign for any cause without vacating his seat as regional or sectoral representative in the Batasang Pambansa or any other government position. (Sec. 9, Art. IX, Res. No. 2)

5. As to removal from office

1973 Constitution — Members of the Cabinet may be removed at the discretion of the Prime Minister (Sec. 4, Art. IX)

As proposed — Any Member of the Cabinet may be removed at the discretion of the President. (Sec. 4, Article IX, Resolution No. 2)

Q. Compare briefly the provisions of the 1973 Constitution and the proposed amendments on the Prime Minister.

A. 1. As to manner of selection

1973 Constitution — The Prime Minister is elected by a majority of all the Members of the National Assembly from among themselves. (Sec. 3, Art. IX)

As proposed — The Prime Minister, upon nomination of the President from

among the Members of the Batasang Pambansa, shall be elected by a majority of all the members thereof. (Section 1, Art. IX, Res. No. 2)

2. As to extent of authority over ministries

1973 Constitution — The Prime Minister has control over all ministries. (Sec. 11, Art. IX)

As proposed — The Prime Minister shall have supervision of all ministries. (Sec. 10, Art. IX, Res. No. 2)

3. As to tenure of office

1973 Constitution — The tenure of office of the Prime Minister commences from the date of his election by the National Assembly and ends upon the withdrawal of confidence and the election of a successor by a majority vote of all its Members, or upon the expiration of his term as Member of the National Assembly, whichever comes first. (Sec. 3(1), Sec. 13(1), Art. VIII)

As proposed — The tenure of office of the Prime Minister shall commence from the date of his election by the Batasang Pambansa and shall end on the date the nomination of his successor is submitted by the President to the Batasang Pambansa, or upon the withdrawal of confidence by a majority vote of all the Batasang Pambansa Members, or upon the expiration of his term as Member of the Batasang Pambansa, whichever comes first. (Sec. 4, Art. IX, Resolution No. 2)

4. As to powers and duties

1973 Constitution — The Prime Minister:

(a) is head of the Government, (b) is responsible, together with the Cabinet, for the program of government and determines the guidelines of national policy, (c) appoints the Members of the Cabinet, (d) removes the Members of the Cabinet, (e) appoints the Deputy Prime

Minister and the Deputy Ministers. (Secs. 1, 2, 4, 5(1) and (2), Art. IX)

As proposed — The Prime Minister is:

(a) head of the Cabinet, (b) is responsible, together with the Cabinet, for the program of government as approved by the President. (Secs. 1 & 2, Art. IX, Res. No. 2)

5. Other Powers

1973 Constitution — The Prime Minister:

(a) is Commander-in-Chief of all armed forces of the Philippines, (b) appoints officials of the government, (c) grants amnesty with the concurrence of the National Assembly, (d) may contract foreign and domestic loans for the Republic. (Secs. 12, 13, 14 & 15, Art. IX)

As proposed — The above powers are transferred to the President under Article VII. (Secs. 9, 10, 11 & 12, Art. VII, Res. No. 2)

6. Powers under the 1935 Constitution

1973 Constitution — The Prime Minister exercises all powers vested in the President under the 1935 Constitution as well as residual powers under the other laws of the land. (Sec. 16, Art. IX)

As proposed — The above powers are transferred to the President. (Sec. 16, Art. VII, Res. No. 2)

Q. *Compare the provisions on the Deputy Prime Minister of the 1973 Constitution with the proposed amendments.*

A. 1. As to manner of selection

1973 Constitution — The Prime Minister appoints the Deputy Prime Minister from among the Members of the National Assembly. (Sec. 5(1), Art. IX)

As proposed — The President may nominate from among the Members of the Batasang Pambansa a Deputy Prime Minister who shall

be elected by a majority of the Members thereof. (Sec. 5(1), Art. IX, Res. No. 2)

2. As to functions

1973 Constitution — The Deputy Prime Minister is head of a ministry and performs such other functions as may be assigned to him by the Prime Minister. (Sec. 5(1), Art. IX)

As proposed — The Deputy Prime Minister shall perform such functions as may be assigned to him by the Prime Minister. He may or may not be head of a Ministry. (Sec. 5(1), Art. IX, Res. No. 2)

Q. *Who appoints Deputy Ministers?*

A. 1973 Constitution — The Prime Minister appoints the Deputy Ministers. (Sec. 5(2), Art. IX)

As proposed — The President shall appoint the Deputy Ministers. (Sec. 5(2), Art. IX, Resolution No. 2)

Q. *What is the Executive Committee?*

A. The Executive Committee is a body designated by the President composed of the Prime Minister as Chairman, and not more than fourteen other members, at least half of whom shall be Members of the Batasang Pambansa. It shall assist the President in the exercise of his powers, functions and duties. (Sec. 3, Art. IX, Resolution No. 2)

Q. *What are the qualifications of a Member of the Executive Committee?*

A. A Member of the Executive Committee shall have the same qualifications as the members of the Batasang Pambansa. (Sec. 3, Art. IX, Res. No. 2)

Q. *What is the role of the Executive Committee in the proposed scheme of government?*

A. The Executive Committee shall assist the President in the exercise of his powers and functions and in the performance of his duties as he may prescribe. In addition, it shall exercise the

powers and discharge the duties of the President when:

On the date fixed for the beginning of his term:

- a) The President-elect dies, (b) The President-elect fails to qualify, (c) The President has not been chosen

After assumption, the President:

- (a) Suffers a permanent disability, (b) Dies, (c) Is removed from office, (d) Resigns. (Sec. 3, Art. VII, Res. No. 2)

Q. *What is the proposed amendment to Amendment No. 2 of the 1973 Constitution?*

A. 1973 Constitution — Amendment No. 2. The Interim Batasang Pambansa shall not exercise the treaty-making power provided in Article VIII, Sec. 14(1) of the Constitution.

As proposed — The Interim Batasang Pambansa shall exercise the treaty-making power. (Sec. 7, Res. No. 2)

RESOLUTION NO. 3 PROPOSED ELECTORAL REFORMS

Q. *What is the present provision of Sec. 10, Article XII, C, of the 1973 Constitution?*

A. "Sec. 10. No elective public officer may change his political party affiliation during his term of office, and no candidate for any elective public office may change his political party affiliation within six months immediately preceding or following an election."

Q. *What is the proposed amendment?*

A. The phrase "unless otherwise provided by law" is added to read thus:

"SEC. 10. No elective public officer may change his political party affiliation during his term of office, and no candidate for any elective office may change his political party affiliation within six months immediately preced-

ing or following an election, unless otherwise provided by law."

Q. *What is the existing provision on the appointment of an elective official to other office or position during his term of office?*

A. Sec. 4, paragraph (1), Article XII, B, of the 1973 Constitution prohibits the appointment of an elective official to any office or position during his term of office.

Q. *What is the proposed amendment on the above constitutional prohibition?*

A. Under the proposed amendment, an elective official may not be appointed to any other position or office during his tenure, except as member of the Executive Committee. (Sec. 1, Res. No. 3)

Q. *What is the present provision of the Constitution on the accreditation of political parties?*

A. A political party shall be entitled to accreditation by the Commission if, in the immediately preceding election, such party has obtained at least the third highest number of votes cast in the constituency to which it seeks accreditation. (Sec. 8, Article XII, C, 1973 Constitution)

Q. *What is the proposed amendment?*

A. The political parties whose respective candidates for President have obtained the first and second highest number of votes in the last preceding election for President under this Constitution shall be entitled to accreditation if each has obtained at least ten percent (10%) of the total number of votes cast in such election. If the candidates for President obtaining the two highest number of votes, do not each obtain at least ten percent (10%) of the total number of vote cast, or in case no election for President shall as yet have been held, the Commission on Elections shall grant accreditation to political parties as may be provided by law.

Q. *What are the conditions under which a political party may be granted accreditation?*

A. 1. A political party must nominate a candidate for President
2. Its candidate for President must obtain either the first or second highest number of votes in the last preceding election and at least ten percent (10%) of the total number of votes cast. (Sec. 2, Res. No. 3)

Q. *What are the other rights and privileges of accredited political parties under the proposed amendment?*

A. Accredited political parties shall be represented in the registration board, board of election inspectors, board of canvassers, or other similar bodies and shall have other rights and privileges as may be granted by law. (Sec. 2, Resolution No. 3)

Q. *What is the proposal under Resolution No. 1?*

A. It enables a natural-born citizen who has lost his Philippine citizenship to be a transferee of private land, for use by him as his residence, as the National Assembly shall provide.

Q. *What is a natural-born citizen?*

A. Sec. 4 of Article III of the Constitution defines a natural-born citizen as one who is a citizen of the Philippines from birth without having to perform any act to acquire or perfect his Philippine citizenship.

Q. *What laws shall govern the conduct of the plebiscite on April 7, 1981?*

A. Batas Pambansa Blg. 122, and the 1978 Election Code. (Sec. 10, BP Blg. 122)

Q. *What languages or dialects shall be used to present the plebiscite questions in the ballot?*

A. The ballots to be used in the plebiscite shall be printed in English, and in appropriate cases, in Arabic, as provided by the 1978 Election Code. (Sec. 3, BP Blg. 122)

Q. *Who will supervise the voting in the voting centers on plebiscite day?*

A. The Citizens Election Committees that functioned in the local elections of January 30, 1980 are reappointed to serve in the same polling centers, subject to the power of the Commission on Elections to make new appointments or transfers whenever the need arises. Their functions include the counting of votes cast by the voters, and the preparation of plebiscite returns. (Sec. 4, BP Blg. 122)

Q. *How many copies of the plebiscite returns shall be prepared by the Citizens Election Committee?*

A. The Citizens Election Committee shall prepare and sign three copies of the plebiscite returns. (Sec. 5, BP Blg. 122)

Q. *To whom shall the copies of the plebiscite returns be delivered?*

A. The Citizens Election Committees shall distribute the plebiscite returns as follows:

1. Two copies shall be delivered to the Election Registrar who shall immediately deliver:

(a) the original copy to the Provincial Election Officer for use in the provincial canvass.

(b) the other copy to the Commission on Elections.

2. One copy shall be deposited in the ballot box for the valid ballots. (Sec. 5, BP Blg. 122)

Q. *Who will canvass the plebiscite returns?*

A. 1. The Provincial Board of Canvassers for provinces.

2. The City Board of Canvassers for cities.

After canvass on the basis of the plebiscite returns, the canvassing boards shall prepare a certificate of canvass. (Sec. 6, BP Blg. 122)

Q. *How many copies of the certificate of canvass shall be prepared?*

A. The Provincial or City Board of Canvassers shall prepare the certificate of canvass in duplicate. (Sec. 6, BP Blg. 122)

Q. *To whom shall the certificate of canvass be delivered?*

A. 1. The original shall be delivered to the Commission on Elections.

2. The other copy shall be filed in the Office of the Provincial Election Officer. (Sec. 6, BP Blg. 122)

Q. *Who will proclaim the results of the plebiscite?*

A. The Commission on Elections, sitting en banc, shall canvass and proclaim the results of the plebiscite using the certificates of canvass submitted, authenticated and certified by the Boards of Canvassers of each province or city. (Sec. 7, BP Blg. 122)

Q. *What means shall be adopted to inform the people of the proposed constitutional amendments?*

A. 1. The amendments shall be published at least once in each of the English and Pilipino newspapers of nationwide circulation, the last publication to be made not later than March 17, 1981.

2. Printed copies of the proposed amendments shall be posted in a conspicuous place in every municipal, city and provincial office building not later than March 17, 1981.

3. During plebiscite day, sufficient copies of the proposed amendments shall be furnished each polling place for examination by the voters.

4. Whenever practicable, the proposed amendments shall be translated in the principal dialects as may be determined by the Commission on Elections and copies thereof printed and posted for examination by the voters.

5. The Commission on Elections is empowered to promulgate rules and regulations to assure widest dissemination of information on the proposed amendments through the broadcast and print media and the barangays. (Sec. 2, BP Blg. 122)

ARGUMENTS FOR A "YES" VOTE

- I. On the establishment of a modified parliamentary system: 1. Approval means the return to the people of the right to vote directly for their President who is the head of state and Chief Executive. Under the 1973 Constitution, the head of state (President) and the head of government (Prime Minister) are elected, not by the people directly, but by their elected representatives in the National Assembly. Restoring the direct right of the people to elect the President is more democratic, and conforms more to the traditions, culture, customs and habits of the Filipino people. 2. The stability of government and progress of the nation are assured. Political parties, under the regional system of election and through the leadership of the President, will become strong and real instruments for governing the nation. The President, the Prime Minister and the Batasang Pambansa work together in a well-balanced system of coordination and cooperation. They are not hampered by the doctrine of separation of powers. With strong party discipline, programs of government can be implemented faster. The long deadlocks and stalemates of the defunct Congress will not return. 3. The process of political normalization will be hastened. Once the President is elected this year (1981), he can then nominate the Prime Minister to be chosen by the Batasang Pambansa from among its members. Thus, we shall have made a total shift to the parliamentary system. 4. The creation of an Executive Committee composed of the Prime Minister and 14 other members to assist the President in the exercise of his powers and functions and in the performance of his duties provides for an effective training of leaders. There is a provision for a rule on succession because the Executive Committee shall exercise the powers and discharge the duties of the President when the President-elect dies, fails to qualify or when the President has not been chosen, suffers a permanent disability, dies, is removed by impeachment or resigns. 5. The qualifying age of the ceremonial President under the 1973 Constitution was fixed at 50 by the 1971 Con-Con. If a mere symbolic President without real powers has to be 50, why should it not be proper to require that a governing President with strong powers to be of the same age to assure maturity and stability of judgment for a judicious exercise of his powers? 6. The immunity from suit of the President and those who performed acts pursuant to his orders will ensure continuing national unity. There will be no vindictiveness against the out-going President. Only acts performed by subordinates pursuant to legal orders will be covered. Abuses are not included.
- II. On electoral reforms: 1. The right of political parties to be represented in the boards of inspectors, boards of canvassers, and other bodies is restored. This is expected to prevent electoral frauds and other irregularities. 2. To be accredited are the political parties that show real strength and power to attract votes. A two party system is contemplated. A system with many political parties is to be avoided because it leads to fragmentation, stalemates, and horsetrading.
- III. On the right of natural-born citizens who have been naturalized abroad to acquire land for residential purposes. This will encourage Filipinos who have lived abroad to return to their native-land to spend the rest of their days here and invest their well-earned savings in ventures beneficial to our people.

Submitted by:

LEONARDO B. PEREZ
Presidential Adviser on Political Affairs

ARGUMENTS FOR REJECTION

ON QUESTION NO. 1 The Interim Batasang Pambansa has no legal power nor moral authority to propose any amendment to the Constitution.

The 'modified parliamentary system' concentrates both executive and legislative powers in the President as "the head of state and chief executive," without necessary check and balance.

(a) The President nominates the Prime Minister and Deputy Prime Minister. The heads of the Legislative Department are his nominees or personal choice; (b) The president may dissolve the Batasan - and call for an election on a date set by him; (c) The fourteen members of the 'Executive Committee' are designated by the President and may be removed at the discretion of the President; (d) The term of six years of the President, without limitation or prohibition against re-election will enable the incumbent President to be the President from 1965 to 1973, from 1973 to 1981 under Martial Law, from 1981 to 1987 under the proposed amendment and during his lifetime. He can be President for life; (e) Immunity to the President and to other officers during and after their tenure violates "Accountability of Public Officers," which provides that "public office is a public trust" and "public officers shall remain Accountable to the people." Immunity is license to abuse, without criminal nor civil liability, for acts performed without or in excess of authority. Public officers who are public servants become masters of the people; (f) Regional and sectoral representatives to the National Assembly deprive electors of "Assembly district" of their right to elect their own representatives; (g) The qualifying age of fifty years for the ceremonial President as "the symbolic head of state" must not apply to the President as "the head of state and chief executive." The age of a member of the National Assembly is "at least 25 years," and the Speaker and Prime Minister are elected from the members thereof. The age of 50 years discriminates against the youth; (h) The 1976 Amendment No. 6 which permits Mr. Marcos at "his sole judgment" to "issue decrees and orders to form part of the law of the land" is not repealed, despite Proclamation No. 2045 ostensibly terminating martial law.

ON QUESTION NO. 2 Accreditation of political parties must not be based on the supposed elections of April 7, 1978, held under martial law, which was not "free, honest and orderly."

"The right to be represented in the registration board and similar bodies" must not be limited to supposed political parties, whose candidates "obtained the first and second highest number of votes" in the April 7, 1978 elections.

ON QUESTION NO. 3 "The Citizens Election Committee" in the local elections of January 30, 1980 Election Code (Pres. Decree No. 1296) under martial law must not govern future elections and/or plebiscite, and the Election Code before martial rule must be applied.

(Submitted by Ex-Sen. A.B. Padilla)
Counsel to UNIDO